

# **Exhibit D**

**Sandak, Lawrence R.**

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**From:** Sandak, Lawrence R.  
**Sent:** Wednesday, July 27, 2016 6:08 PM  
**To:** 'JoanneSaintLouis@adr.org'  
**Cc:** 'chager@n-blaw.com'  
**Subject:** FW: Hermes of Paris, Inc. V. Matthew Swain - Case 01-16-0002-9429

Dear Ms. Saint Louis,

We represent Hermes of Paris. My client forwarded to me the emails below. Under the terms of the Dispute Resolution Procedure, Hermes commenced the mediation, has not waived it, and is ready, willing and able to participate in it. Mr. Hager represents Mr. Swain and has advised the AAA that absent a court order to the contrary he is not a party to the mediation.

**Lawrence R. Sandak**  
Partner

Proskauer  
One Newark Center  
Newark, NJ 07102-5211  
d 973.274.3256  
f 973.274.3299  
[lsandak@proskauer.com](mailto:lsandak@proskauer.com)

greenspaces

Please consider the environment before printing this email.

From: AAA Joanne Saint Louis <[JoanneSaintLouis@adr.org](mailto:JoanneSaintLouis@adr.org)>  
To: 'Chris' <[chager@n-blaw.com](mailto:chager@n-blaw.com)>,  
Cc: Gail WHEELER/US/HERMES@HERMES, "[lsandak@proskauer.com](mailto:lsandak@proskauer.com)" <[lsandak@proskauer.com](mailto:lsandak@proskauer.com)>  
Date: 07/27/2016 12:46 PM  
Subject: RE: Hermes of Paris, Inc. V. Matthew Swain - Case 01-16-0002-9429

Thank you, Mr. Hager.

Attached are the filing documents.

Are you indicating that the employer wishes to waive the mediation provision in the contract?

Thank you,  
Frank Binda (for Joanne)

<image002.png>	<p><b>Joanne Saint Louis</b> <b>Director of ADR Services</b> American Arbitration Association 150 East 42nd St, 17th Floor, New York, NY 10017 T: 401 431 4777 / 646 240 4623 F: 866 644 0234 <a href="http://www.adr.org">www.adr.org</a></p>
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Heather Santo, Director Northeast Case Management Center
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-----Original Message-----

From: Chris [<mailto:chager@n-blaw.com>]

Sent: Tuesday, July 26, 2016 6:54 PM

To: AAA Joanne Saint Louis

Cc: [gail.wheeler@hermesofparis.com](mailto:gail.wheeler@hermesofparis.com); [lsandak@proskauer.com](mailto:lsandak@proskauer.com)

Subject: Re: Hermes of Paris, Inc. V. Matthew Swain - Case 01-16-0002-9429

Ms. Saint Louis, please be advised that, absent a court order to the contrary, we are not a party to this purported mediation.

Thank you,

Chris Hager

Sent from my iPhone

> On Jul 26, 2016, at 4:05 PM, <[joannesaintlouis@adr.org](mailto:joannesaintlouis@adr.org)> <[joannesaintlouis@adr.org](mailto:joannesaintlouis@adr.org)> wrote:

>

> Hello,

>

> Please review the attached correspondence regarding the above-referenced case.

>

> Feel free to contact me with any questions, comments or concerns you have related to this matter.

>

> Thank you.

>

>

>

> [Logo]

> Joanne Saint Louis

> Director of ADR Services

> American Arbitration Association

> 150 East 42nd St, 17th Floor, New York, NY 10017

> T: 401 431 4777 / 646 240 4623 F: 866 644 0234 [www.adr.org](http://www.adr.org)

>

> Heather Santo, Director

> Northeast Case Management Center

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> <EMM003.pdf>

> <Mediator Resumes.pdf>

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